IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1144 OF 1996
IN
NOTICE OF MOTION NO.1549 OF 1993
IN
SUIT NO.1024 OF 1993

Nathalal Gokuldas Thakkar — Appellant
vs.
Bharati Navnit Raithatha & anr. — Respondents

Ms.Saumya Srikrishna i/b.M/s.Shantilal & Co. for the appellant.

Mr.J.P.Sen i/b.Ms.Deepa Matwankar for the respondent no.1.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 6th February 2006

P.C.

The learned counsel for the appellants and the learned counsel for the respondents 1 handed in minutes of the order, marked "X" for identification purposes.

2. We perused the minutes and are of the view that it would be in the interest of both the parties. As regards respondent no.2, it is stated that the respondent no.1 is not desirous of prosecuting the Suit against the respondent no.2.

3. We, accordingly, dispose of the appeal in terms of the minutes.

4. The arbitration Petition No.294/2004 shall be withdrawn by the appellant as per the undertaking.

. Refund of Court fee in the Suit as per law.

. No costs.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)